UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

BRIAN JOHNSTON, : Civil Action No. C-1-01-275

.

Plaintiff, : [Magistrate Jack Sherman, Jr.]

:

v. : **DEFENDANT'S NOTICE TO TAKE THE**

DEPOSITION OF PLAINTIFF, BRIAN

PECK, HANNAFORD & BRIGGS : **JOHNSTON**

SERVICE CORPORATION,

Defendant.

PLEASE TAKE NOTICE that Defendant Peck, Hannaford & Briggs Service Corporation will conduct the oral examination, under oath and pursuant to Rule 30 of the Federal Rules of Civil Procedure, of Plaintiff Brian Johnston, before a notary qualified to administer oaths and to take and transcribe testimony. Examination of Mr. Johnston will be as on cross-examination and will commence at 10:00 a.m. on Friday, June 18, 2004. The deposition will be conducted at the office of Dinsmore & Shohl LLP, Suite 1900, 255 E. Fifth Street, Cincinnati, Ohio 45202, and will continue until completed.

/s/ M. Dave O'Guinn

Michael W. Hawkins (0012707) M. Dave O'Guinn (0074378) DINSMORE & SHOHL LLP Suite 1900 255 E. Fifth Street

Cincinnati, OH 45202 Phone: (513) 977-8200 Fax: (513) 977-8141

E-mail: Michael.Hawkins@dinslaw.com E-mail: dave.oguinn@dinslaw.com

Counsel for Defendant, Peck, Hannaford & Briggs

Service Corporation

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2004, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and I hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants: Plaintiff Pro-Se, Brian Johnston, 610 Perimeter Drive, #1, Erlanger, Kentucky 41018.

/s/ M. Dave O'Guinn	
---------------------	--

1023753.01